

**AMENDMENT TO THE AMENDMENT TO THE
COMMITTEE PRINT OF H.R. 485
OFFERED BY M . _____**

In lieu of the section 2 proposed to be inserted by the amendment, insert the following new section:

**1 SEC. 2. PROHIBITING THE USE OF QUALITY-ADJUSTED
2 LIFE YEARS AND SIMILAR MEASURES IN COV-
3 ERAGE AND PAYMENT DETERMINATIONS
4 UNDER FEDERAL HEALTH CARE PROGRAMS.**

5 (a) IN GENERAL.—Section 1182(e) of the Social Se-
6 curity Act (42 U.S.C. 1320e–1(e)) is amended—

7 (1) by inserting “or treats extending the life of
8 an elderly, disabled, or terminally ill individual as of
9 lower value than extending the life of an individual
10 who is younger, non-disabled, or not terminally ill”
11 after “because of an individual’s disability”;

12 (2) by inserting “described in the preceding
13 sentence” after “such a similar measure”;

14 (3) by striking “The Secretary shall not” and
15 inserting “A Federal agency (including the CMI (as
16 described in section 1115A)) or State may not”;

17 (4) by striking “under title XVIII.” and insert-
18 ing the following: “under any Federal health care

1 program (as defined in section 1128B, except that
2 such term shall include the health program estab-
3 lished under chapter 89 of title 5, United States
4 Code).”; and

5 (5) by adding at the end the following new sen-
6 tences: “Nothing in this subsection shall be con-
7 strued as prohibiting or restricting the use of a
8 measure that values each year of extended life equal-
9 ly, irrespective of whether an individual is elderly,
10 disabled, or terminally ill. Notwithstanding any
11 other provision of law, a Federal agency (including
12 the CMI) or State may not waive the application of
13 the provisions of this subsection (or the provisions of
14 section 1852(o), section 1860D–12(h), section
15 1902(a)(88), section 1932(b)(9), or section 2102(e))
16 under section 1115, section 1115A, or any other
17 demonstration or waiver authority.”.

18 (b) CONFORMING AMENDMENTS.—

19 (1) MEDICAID.—

20 (A) IN GENERAL.—Section 1902(a) of the
21 Social Security Act (42 U.S.C. 1396a(a)) is
22 amended—

23 (i) in paragraph (86), by striking
24 “and” at the end;

1 (ii) in paragraph (87)(D), by striking
2 the period and inserting “; and”; and

3 (iii) by inserting after paragraph (87)
4 the following new paragraph:

5 “(88) provide for compliance with the require-
6 ments of section 1182(e) (relating to prohibiting the
7 use of certain measures in coverage determinations,
8 reimbursement, and incentive programs).”.

9 (B) MANAGED CARE ORGANIZATIONS.—

10 Section 1932(b) of the Social Security Act (42
11 U.S.C. 1396u–2(b)) is amended by adding at
12 the end the following new paragraph:

13 “(9) PROHIBITION ON USE OF QUALITY-AD-
14 JUSTED LIFE YEARS.—The provisions of section
15 1182(e) shall apply to the utilization of a dollars-
16 per-quality adjusted life year or similar measure (as
17 described in such section) by a medicaid managed
18 care organization under this title in the same man-
19 ner as such provisions apply to the utilization of
20 such a year or measure by a State under this title.”.

21 (2) CHIP.—Section 2102 of the Social Security
22 Act (42 U.S.C. 1397bb) is amended by adding at
23 the end the following new subsection:

24 “(e) PROHIBITION ON THE USE OF QUALITY-AD-
25 JUSTED LIFE YEARS AND SIMILAR MEASURES.—A State

1 child health plan shall provide for compliance with the re-
2 quirements of section 1182(e) (relating to prohibiting the
3 use of certain measures in coverage determinations, reim-
4 bursement, and incentive programs).”.

5 (3) MEDICARE ADVANTAGE.—Section 1852 of
6 the Social Security Act (42 U.S.C. 1395w–22) is
7 amended by adding at the end the following new
8 subsection:

9 “(o) PROHIBITION ON USE OF QUALITY-ADJUSTED
10 LIFE YEARS.—The provisions of section 1182(e) shall
11 apply to the utilization of a dollars-per-quality adjusted
12 life year or similar measure (as described in such section)
13 by an MA plan under such plan in the same manner as
14 such provisions apply to the utilization of such a year or
15 measure by the Secretary under this title.”.

16 (4) MEDICARE PART D.—Section 1860D–12 of
17 the Social Security Act (42 U.S.C. 1395w–112) is
18 amended by adding at the end the following new
19 subsection:

20 “(h) PROHIBITION ON USE OF QUALITY-ADJUSTED
21 LIFE YEARS.—The provisions of section 1182(e) shall
22 apply to the utilization of a dollars-per-quality adjusted
23 life year or similar measure (as described in such section)
24 by a prescription drug plan in the same manner as such

1 provisions apply to the utilization of such a year or meas-
2 ure by the Secretary under this title.”.

3 (c) IMPLEMENTATION.—The amendments made by
4 this section shall apply beginning on January 1, 2025.

